

Delivered to all parts of  
City by Carrier. Price  
10 cents per week; 3  
cents per copy.

# THE DAILY TELEGRAM.

THE WEATHER  
Fair and warmer tonight and  
Thursday.

Volume V, No. 274, Whole No. 1,574.

CLARKSBURG, WEST VIRGINIA, WEDNESDAY, NOVEMBER 15, 1905.

Price 2 Cents.

## COAL OPERATORS ARE NOT LIABLE FOR DAMAGES TO SURFACE

### SAYS SUPREME COURT — IN BIG APPEAL CASE FROM THIS COUNTY

The State Supreme Court Tuesday affirmed the decision of Judge John W. Mason in the case of Leander Griffin against the Fairmont Coal Company.

The opinion was delivered by Judge McWhorter. Judge Poffenberger filed a dissenting opinion.

This was a suit by Griffin against the coal company for damages caused by taking all the coal from under his land which caused it to break and fall in, and in passing on the case Judge Mason said it was the first time the question had even been raised in this state, and he considered it the most important and far reaching suit ever brought in any of the courts of West Virginia.

This question has been passed upon in England and several of the states, which have held that the coal owner was liable for damages to the owner of the surface, but Judge Mason held that all these cases had been wrongly decided and that the company was not liable to Griffin for the damages to his land and dismissed his suit, and it is the decision that the Supreme Court has affirmed.

The case is regarded most important in this state and means a great deal to the coal interests of West Virginia.

Harvey W. Harmer and Homer W. Williams were counsel for Griffin and John Bassel, Taylor Vinson, Governor A. B. Fleming, Edward Brannon and others were the attorneys for the company.

### RECITAL WORK AT BROADDUS

The weekly recital of the music students of Broaddus was held as usual on Tuesday evening. The solos by Eva Mines, Gladys Kemper, Katherine Race and Mabel Stewart were creditably performed. The History of Music, which all pupils are required to take, is an interesting feature of the recital work. The students take notes and prepare them for an examination which is to be held later in the year. The subject this week was to have been "The Life and Works of Mendelssohn," but owing to the illness of the lecturer, Miss Grace Harr, this had to be postponed until next week.

The work in harmony is also progressing nicely, and the students are deriving great benefit from their weekly classes. Public recitals will be given in the near future for which the students are now in preparation.

### THE NEW OPERA IS PROGRESSING

Mr. John Saunders, who is coaching the society actors for the forthcoming production of "The Partisan," says that never in his experience has he drilled a more talented company of amateurs. Every member, either chorus or principal, as McIntyre and Heath say, "are full of talent, and they all go about their work as if they enjoyed it."

The opera will be produced shortly after Thanksgiving and its success is assured in advance.

### BOY'S REMAINS PASS THROUGH HERE

The remains of Lawrence Swisher, accompanied by Mr. and Mrs. Charles W. Swisher, and party, of Charleston, arrived here Tuesday night and were taken to Fairmont for burial Wednesday.

The boy's death was the result of an attack of diphtheria a few weeks ago, which weakened his heart to such a condition that he died of a heart attack Monday night. Mrs. Swisher is eighty years of age.

### A BREEZY WESTERNER COMING

Dr. Madison Swadener, a breezy Westerner, will lecture under the auspices of the Clarksburg Epworth League in Goff church on Tuesday evening, Nov. 24. Dr. Swadener comes with a well earned reputation for the combination of wit, humor and philosophy and is expected to please every minute of the evening. So as to put this lecture in the reach of everybody who may care to attend, and to make it possible for whole families to be present at small cost, the admission price has been reduced to twenty-five cents and tickets are in the hands of Raymond Lockwood and other members of the League at this price. The number has been limited, so as to provide everybody with a seat, and it would be well to purchase at once.

### PROFESSOR COX AT BROADDUS

Prof. John H. Cox, of the West Virginia University, will lecture at Broaddus Institute Friday afternoon of this week at 4:15 o'clock, instead of 3 o'clock as previously announced. The subject for the afternoon lecture is "The Romance of English Words." At eight o'clock p. m., of the same day, he will lecture at the Baptist church on the subject, "The Study of English Literature as a Means of Culture."

These lectures are free, and a cordial invitation is extended to all. Students and lovers of literature are especially urged to attend.

### HOTEL DECORATIONS ARE ELEGANT

Messrs. Russel and Worstell are transforming the Traders hotel into a place of beauty, the result of their artistic touch with the brush. They have repapered the building throughout and are now engaged in painting and decorating the interior of the building. They have a number of very clever artists engaged on the work and already a transformation that pleases is very much in evidence.

### WILL WINTER IN FLORIDA

A party of ladies composed of Mrs. J. H. Stuart, Mrs. Bailey, of Weston, and Miss Phillips, of Buckhannon, will leave for Florida next Wednesday, where they will spend the winter. The party will go to a spot on the Indian river, near Fort Pierce, where Mrs. Stewart owns property, on which she has erected a cottage. William Rusk, colored, will accompany the ladies in the capacity of Major Domo.

### O'd Soldier Dies

By Associated Press. Danville, Ky., Nov. 15—Captain Boyle National Bank, of this city, Boyle National Bank, of this city, died today. He was captain of the 4th Kentucky infantry in the Union army during the Civil war.

### Barbour Coming

Captain J. L. Barbour, of Parkersburg, will arrive here tonight and give final examination to two applicants at the local recruiting station for enlistment in the United States army.

### Burial of Mrs. Custer

The funeral of Mrs. Elizabeth Custer, who died Tuesday of pneumonia, will be held from the residence of her son, Mr. Custer, at 10 o'clock Wednesday morning.

### MR. GUSMAN PASSES AWAY AT JANE LEW

J. B. Gusman died at his home near Jane Lew at 7:30 o'clock Tuesday evening. His demise was caused by Bright's disease. His death was not entirely unexpected as he had been in failing health several months.

The deceased was 78 years of age. He was a prominent and well-to-do farmer and one of the best known citizens of the county. He was the father of our townsman, J. J. Gusman.

The funeral will be held at the Broad Run Baptist church Friday morning at 11 o'clock and the interment will be in the family burial lot.

Mr. Gusman was at his bedside when he died, and Mrs. Gusman and daughter left Wednesday morning for Jane Lew.

### ODD FELLOWS ELECT OFFICERS

Charleston, W. Va., Nov. 15—All the seventy-eight encampments in this state are represented at the grand encampment meeting of the Odd Fellows here.

The reports of the grand scribe and the grand treasurer showed the order to be in a healthy condition. Seven encampments have been instituted during the past year and the full membership in the state is 2,638. The financial condition is also satisfactory.

The following officers were elected: Grand Patriarch, L. J. Evans, Wheeling, W. Va.; Grand High Priest, Geo. W. Barnes, Philippi; Grand Senior Warden, S. E. Bradley, Madison; Grand Junior Warden, J. C. Wilson, Charleston; Grand Scribe, C. L. Simpson, Huntington; Grand Treasurer, Lee Rinhart, Fairmont.

The grand lodge met today and on Thursday the state assembly of Daughters of Rebekah. The new Odd Fellows temple in this city was dedicated by the grand officers today.

### RETURNS FROM HUNT

Flaherty Kearns returned Tuesday night from the mountains in Randolph county, where he and Van K. Cleary and R. H. Spahr spent several days hunting. Mr. Kearns started home with 112 birds but they got side-tracked at Grafton. They will arrive some time in the future by slow freight. Messrs. Cleary and Spahr went further into the mountains and will not be home for several days. When they do come they will bring a brin or two, if they can get their prey past Grafton. Mr. Kearns went only as far as Huttonsville and did not penetrate the heart of the mountain wilds.

### MEETING OF ELKS

The order of Benevolent and Protective Elks met last night at their hall on Third street. Quite a large number of members were present. Steps will be taken at once by this lodge for the erection of an Elks Home. As all the neighboring cities have nicely equipped and furnished homes, the Clarksburg lodge feels that it can not afford to be left behind. Subscription papers will shortly be circulated and the building committee are looking for a desirable site, and it will be but a short while until Clarksburg will have an Elks Home that they can be proud of.

### OIL NOTES

In the Folsom district, this county, the South Penn Oil Company has drilled its No. 15 on the G. W. Talkington farm through the Gordon and is now drilling at 47 feet below that formation and has developed a very light show of oil. In the Yellow creek district, Calhoun county, the Eastern Oil Company's No. 3 on the R. M. Ramsberg farm is holding up at 100 barrels a day and it is the only well in the district producing that amount.

### MAN'S HEAD UNDER WHEEL AS CAR STOPS

Richard Smith, driver for the Osborn machine foundry, had a very narrow escape from death late Tuesday afternoon. So narrow was it that a street car wheel touched his head before the car stopped.

Smith was driving out from the shop on to West Pike street and turned suddenly up and across the street car track. A car was approaching down the grade and the front struck the seat of the wagon throwing Smith off and directly in front of one of the wheels with his head on the rail. The motorman succeeded in stopping the car at that instant and the man's life was saved.

In falling Smith had one hand severely cut and his head was bruised and cut considerably.

The accident was witnessed by a number of people who were horrified at what seemed the certain fate of the fellow. Every one was sure his head would be cut off, and it is a miracle that he escaped.

### JACK THE PEEPER AT HIS OLD TRICKS

Some excitement was occasioned during a performance at the Grand Opera House in Wheeling last night by a search for a "Jack the Peeper" who was caught peering into the dressing rooms of the lady members of the "Two Little Waifs" company.

It was between the second and third acts, when one of the leading lady members of the company was changing her costume, when her attention was attracted by a slight noise, and looking toward the window she was frightened by the bestial leer on the face of the peeper. She uttered a cry of fright, and it was not long until the house policemen were notified.

The peeper evidently lost no time in getting down from the beam, for when the officers arrived he was nowhere to be seen.

It has but recently come to light that during the performance of "The Beauty Doctor" at Fairmont a certain man, well known in social and business circles, was discovered caught right in the act of perpetrating the same offense. Only the influence of this man's brother saved him from being badly beaten by the infuriated male performers.

So far Clarksburg has been fortunately free from this class of moral lepers.

Any scientist that can invent a suitable and fitting name—one that can be printed—for these kind of people would confer a great boon on the newspapers.

### LANDS GIVEN TO PEASANTS

By Associated Press. St. Petersburg, Nov. 15—The Associated Press is informed from high source that a ukase will be issued shortly tonight, whereby a large portion of the Imperial domain, which covers almost a third of European Russia and which is the property of the Emperor and Grand Duke will be given to peasants.

### Mrs. Kerwin Returns

Mrs. Robert Kerwin has returned home from Towanda, Pa., where her husband recently died. Mr. Kerwin the several years he resided here won many warm personal friends and his death brought much sorrow and sadness. Mrs. Kerwin's many friends here sympathize with her deeply in her bereavement.

### Rathbone Sisters

The Rathbone Sisters, Ladies' Auxiliary to the nights of Pythias, held their regular meeting last night in the Pythian hall in Glen Elk. The meeting was very enjoyable, about twenty-five members being present. One member was re-initiated for practice.

Mrs. Ruth Primm has gone to Gallipolis, Ohio, where she will visit friends.

### THAWING DYNAMITE BLOWS ITALIAN INTO ETERNITY

By Associated Press.

Charleston, W. Va., Nov. 15—One Italian was killed and two fatally injured at the Coal & Coke company's quarry near here this morning. Louis Scratini was thawing three boxes of dynamite, when it exploded, tearing him to pieces. Foreman Angelucci and Donis Minotti were fatally injured. The escape of the other hundred employees is considered almost miraculous.

### MASONS ELECT GRAND OFFICERS

Charleston, W. Va., Nov. 15—The Grand Chapter of Royal Arch Masons elected the following officers: Grand high priest, Geo. M. Ford, Wheeling.

Grand king, Joseph Lesage, Huntington.

Grand scribe, Thomas G. Strickler, Ellenboro.

Grand treasurer, Samuel N. Myers, Martinsburg.

Grand Secretary, D. K. Reed, Clarksburg.

Grand chaplain, J. Howard Gibbons, Pt. Pleasant.

Grand lecturer, Joseph Hall, of Wheeling.

Grand captain of host, John W. De Verber, Roncoveite.

Grand principal sojourner, Jas. Lake, New Cumberland.

Grand royal arch captain, Wyndham Stokes, Martinsburg.

Grand master 3rd veil, Harry S. Cushman, Martinsburg.

Grand master 2d veil, H. Byron Bownley, Wheeling.

Grand master 1st veil, Frank E. Nichols, Fairmont.

Grand Marshal, Wm. T. Rittenhouse, Parkersburg.

Grand filer, W. H. Rose, Wheeling.

### ISLE OF PINES DECLARED OURS

By Associated Press.

Washington, D. C., Nov. 15—No official notice has been received here of the action of the residents of the Isle of Pines in favor of declaring that the island is United States territory. It can be said such action will not be encouraged by the administration, but no action will be taken until official information is received.

### BIG PIPE LINE HAS BEEN COMPLETED

M. Cannon, superintendent of pipe-line construction for the Philadelphia Company of West Virginia, is in the city from Littleton, where he has headquarters. He informed the Telegram in the course of a brief interview that the company had just laid off one hundred men. This was the result of a fine completion of a line from Weston to Pittsburg by way of Salem, Littleton and Waynesburg. The line is a 16-inch one one hundred and twenty miles in length.

### WOODMEN MEET

The Uniform Rank of the Woodmen of the World will hold their regular meeting in the Pythian hall in Glen Elk tonight at 8 p. m. Mr. H. M. Allen will be initiated into the rings on the stump. The next which side of a tree the moss grows on, also to tell the age of a tree by the rings on the stump. The next big social session of this lodge takes place on Nov. 22, and it promises to duplicate the success of the previous ones.

### Resumes Work

L. W. Harvey, the baggage master on the Short Line, has about recovered from a felon he had on his left hand, and resumed work Wednesday morning after being laid up ten days.

## RUSSIAN MONARCHY TO BE OVERTHROWN FOR DEMOCRATIC REPUBLIC

### BOX AUCTION PICNIC PARTY

A unique entertainment and social will be given at Goff M. E. chapel on Friday, the 17th, for the new church enterprise. The entertainment will consist of the following musical and literary program the first half of the evening, conducted by Miss Dora Ridenour:

Prelude.  
The Muses ..... Eight Ladies Solo ..... Mrs. Anna Hiltner Vocal solo ..... Miss Marguerite Ford

New arrangement of old instruments Quartette ..... The Lynch Brothers Reading ..... Miss Lillian H. Dues. Mrs. Ridenour, Miss Hursey

Whistling chorus ..... Messrs. Kelley, (Showalter and Boggess)

Solo ..... Mr. Aubrey Martin Drill ..... 16 girls in Miss Florence (Lynch's class)

Good-night ..... Messrs. Smith, Kvl. (Hardman, Showalter and Williams)

Following this program a unique plan for the refreshments under the management of J. T. Maylott will be carried out. It will consist of a box auction party. A box consisting of a luncheon for two will be brought by each girl or lady to be auctioned off by Squire Gordon to the "inner" as well as the "outer" men of the League or any males necessary are an appetite and coin which a bidder must have to get one of these "Temptations of Eve." The names of the giver of the box will be found inside and whoever gets the box will share it with her. The lunches will be eaten regular picnic style followed by typical picnic sports and games.

Cross off on your calendar Friday, Nov. 17, jot down 7:30 p. m., Goff chapel and bring plenty of silver change for admission and auction.

### MEDICOS FINISH THEIR EXAMINATION

The examination of applicants for certificates to practice medicine given by the State Board of Health at the Waldo hotel closed Wednesday evening and most of the 35 applicants have departed for their homes. The results of the examination will not be announced for several days, the manuscripts of the applicants having to be examined and graded.

Wednesday forenoon the branches taken up were physiology and medical jurisprudence and obstetrics and gynecology and in the afternoon anatomy and surgery.

The members of the board will be tendered a banquet tonight at the Waldo by the Harrison County Medical Society and most all of them will leave for their homes during the night.

### FATHER AND SON BROUGHT TO JAIL

G. C. Hupp and son, of Enterprise were brought to jail Tuesday evening. They were sent up ten days in default of peace bonds. It appears they got into a disturbance with the children of the Tiechenor family and Justice Harrison decided they must keep the peace.

### Pheasants Presented

Edward Ross, of near Peel Tree, made Messrs. Heneghan and Sheridan happy last evening by sending them a bunch of fine pheasants. There were seven in the bunch and Messrs. Heneghan and Sheridan will have several palatable feasts, through the kindness of Mr. Ross, and always hold him in warmest friendship and cherish him in their memory for his remembrance of them.

By Associated Press. St. Petersburg, Nov. 15—The Proletariat of St. Petersburg has summoned another general political strike beginning today at noon.

This action was decided upon late last night by the workmen's strike committee, which is now completely under the domination of the Social Revolutionists, who leaders openly proclaim that their ultimate object is the complete overthrow of the monarchy and establishment of a democratic republic.

By Associated Press. St. Petersburg, Nov. 15—Rioting in Vladivostok has not been suppressed. Sailors and fortress artillerymen participated. It is said three hundred were killed and wounded the first day.

### UNION DISTRICT TEACHERS INSTITUTE

The teachers' institute program for Union district, Friday, Nov. 24, at Good Hope, is as follows:

10 o'clock A. M.  
Opening exercises and roll call.  
Appointment of committees, and the outlining of the district institute, and reading circle for the present school year.

General discussion of Round Table Topics:

- (a) Should not the same degree of morality be required of all school officers, that is required of teachers?
- (b) Best methods of obtaining a school library. Its value, and use.
- (c) What are the requirements of teachers, relative to the enforcing of the compulsory attendance law?

1:30 p. m.  
Music, by institute.

An informal discussion of the individual problems that confront the teachers in their daily work in the school room. (In discussing this topic, it is expected that each teacher will present any unusual or peculiar difficulties with which she has to deal in her present term's work.)

Recitation, Miss Maude Sommerville "Rewards and Punishment," Howard L. Curry.

"What can the teacher do to lead her pupils to form habits of polite behavior?" Byron F. Bailey.

"Discipline, and the means of obtaining it," Brenna O. Branside.

"The Object of Our Public School System," C. Wade Post.

"What reasons exist for having vocal music taught in the country schools?" E. Wayne Coffindaffer.

"Should Bookkeeping and General History be eliminated from our school curriculum?" S. J. Ward.

"Why is the teaching of penmanship so much neglected in our district schools?" A. J. Curry.

Night session, 7:30 p. m.  
Lecture, "What Should We Read?" Prof. W. H. Webb.

The teachers of Union district and all other persons interested in education are cordially invited to attend this institute.

L. WAYMAN OGDEN,  
County Superintendent.

### TAFT HOME — SEES ROOSEVELT

By Associated Press. Washington, D. C., Nov. 15—Secretary Taft arrived in Washington at 7 o'clock this morning. Immediately after breakfast he called at the executive office and saw the President, when the latter came to the office.

### Marriage Licenses

Marriage licenses have been issued to Augustus M. Switzer and Ida F. Switzer, and Frank Kincaid, and Bessie M. Thompson.